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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/440,428 05/12/95 DORN

H BAYER-9265-L

EXAMINER
ROBINSON, H

12M2/0311

SPRUNG HORN KRAMER & WOODS
660 WHITE PLAINS ROAD
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ART UNIT PAPER NUMBER

1209

DATE MAILED: 03/11/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 0 month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 2-5 and 10-14 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☒ Claims 1 and 6-9 have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☐ Claims _____ are rejected.

5. ☐ Claims _____ are objected to.

6. ☒ Claims 2-5 and 10-14 are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

Art Unit: 1209

The amendments filed 5-12-95 and 8-2-95 have been entered.

The information disclosure statement filed 10-20-95 has been received.

Restriction is required under 35 USC 121 and 37 CFR 1.142 between the following inventions represented in claims 2-5 and 10-14.

I. Claims 2-5 and 10-12 are drawn to a method of combatting parasitic insects employing many different types of heterocyclic compounds which are classified in a variety of subclasses in Class 514.

II. Claims 13 and 14 are drawn to a shaped article containing a multitude of active compounds which are classified in Class 424.

Applicants are further required to elect a specific disclosed compound for examination with either group I or group II, for examination on the merits even though this requirement be traversed. Applicants are also requested to add claim(s) to the elected invention.

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The several inventions above are independent and distinct, each from the other, as they have acquired a separate status in the art as a separate subject for inventive effort, require independent searches and are separately classified. The active ingredients of, the above groups will fall into any number of subclasses depending upon the specific active material.

Further, all the claims read on a multitude of compounds which would require many fields of search that would be any undue burden to the examiner. Therefore, restriction for examination purposes is proper.

A facsimile center has been established in Group 1200, room 3C10. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machine are (703) 308-4556 or 305-3592.

**ROBINSON; aco
March 8, 1996**

**ALLEN J. ROBINSON
PRIMARY EXAMINER
GROUP 1200**